201908006 Antonio Gonzalez

At about 2:00 in the morning on September 2, 2019, PO Antonio Gonzalez arrested a man for petit larceny and criminal possession of stolen property and took him to the 20th Precinct. At about 8:15 am, the man got into a verbal dispute with PO Gonzalez, and the man struck the plexiglass partition between the cell bars.

As captured by the precinct's internal cameras, PO Gonzalez then entered the cell, pushed the man in the chest, causing him to fall back and strike the wall of the holding cell, and then grabbed him by both hands and slammed him first against the wall of the cell, and then against the metal bars of the cell. Several officers, including PO Gonzalez's supervising Lieutenant, entered the cell to separate PO Gonzalez from the man.

When interviewed at the CCRB, PO Gonzalez stated that he was afraid that the man would break the plexiglass and use a shard as a weapon. He stated that his Lieutenant instructed him to enter the cell and handcuff the man. He testified that he did not "forcibly shove" the man, but that he placed one hand on the man's chest, at which point the man stumbled backwards.

The Lieutenant stated that he did not order PO Gonzalez to handcuff the man, and video shows that PO Gonzalez did not bring handcuffs into the holding cell. When shown the video that captured him pushing the man into a wall, then grabbing him with both hands and slamming him against the wall and the bars of the cell, PO Gonzalez stated that he had been trying to gain control of the man's arms. The video showed that the man was holding his hands, palms open, by his side when PO Gonzalez entered and slammed him against the wall.

The NYPD declined to discipline PO Gonzalez for this incident.

CCRB INVESTIGATIVE RECOMMENDATION

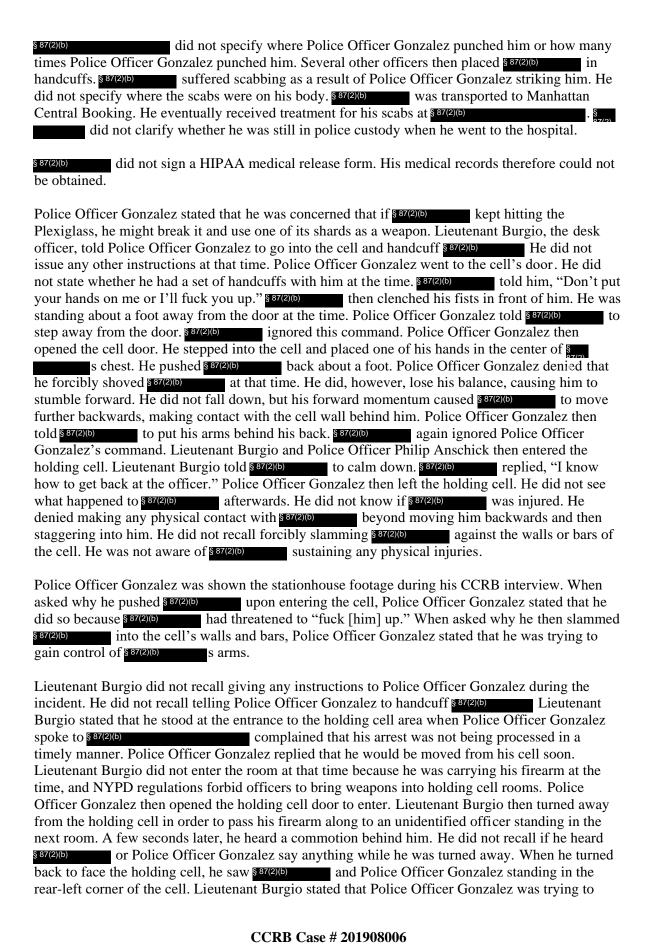
Investigator:		Team:	CCRB Case #:	 F	Force		Discourt.	U.S.
Owen Godshall		Squad #15	201908006	\Box	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Pro	Precinct: 18 Mo. SOL EO SOL			EO SOL
Monday, 09/02/2019 8:15 AM		20th Precinct stationho	use	20 3/2/2021 10/17/2021				
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time Received at CCRB				
Mon, 09/02/2019 5:51 PM		IAB	Phone	Tue, 09/10/2019 11:04 AM				
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Antonio Gonzalez	21801	904050	020 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POF Genesis Bueno	05027	958343	020 PCT					
2. POM Philip Anschick	31689	903350	020 PCT					
3. LT Anthony Burgio	00000	926616	020 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A . POM Antonio Gonzalez	Force: Police Officer Antonio Gonzalez used physical force A. §87(2)(9) against §87(2)(6)							
B . POM Antonio Gonzalez	Other: There is evidence suggesting Police Officer Antonio B. §87(2)(9) Gonzalez provided a false official statement in violation of PG 203-08.							
C . POM Antonio Gonzalez	Other: There is evidence suggesting Police Officer Antonio C. Sa7(2)(g) Gonzalez provided a false official statement in violation of PG 203-08.							

Case Summary

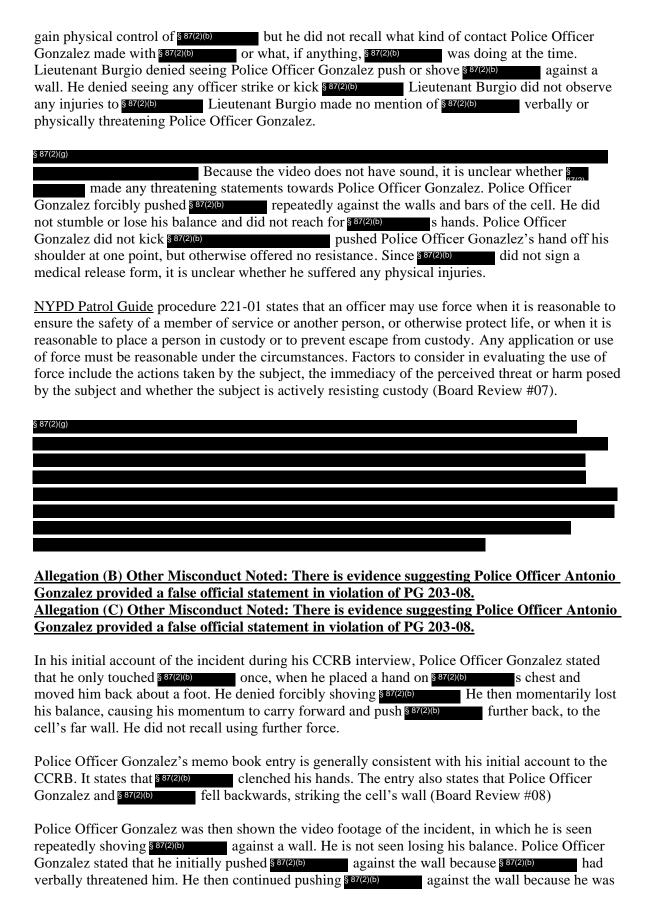
On September 2, 2019, § 87(2)(b) filed this complaint with IAB via telephone. On September 10, 2019, the complaint was forwarded to the CCRB via IAB log #2019-33383. At approximately 2:04 a.m. on September 2, 2019, \$87(2)(b) was arrested for petit larceny and criminal possession of stolen property (Board Review #01). He was transported to the 20th Precinct stationhouse and lodged in a holding cell. At approximately 8:15 a.m., § 37(2)(b) got into a verbal dispute with his arresting officer, Police Officer Antonio Gonzalez. Police Officer Gonzalez entered the holding cell and repeatedly threw him against the cell's walls (Allegation A: Force -Physical force, § 87(2)(g)). Several officers, including Lieutenant Anthony Burgio, entered the holding cell to separate them. The investigation also determined that Police Officer Gonzalez provided a false official statement in his memo book entry and during his CCRB interview (Allegations B and C: Other - False official statement, § 87(2)(g) The investigation obtained video footage from the 20th Precinct stationhouse, which is attached in IA #22 (Board Review #02) and summarized in IA #85 (Board Review #03). A subclip taken from this video is attached in IA #84 (Board Review #04). **Findings and Recommendations** Allegation (A) Force: Police Officer Antonio Gonzalez used physical force against 357(2)(5) provided a telephone statement on October 9, 2019 (Board Review #05). The investigation was unable to obtain a sworn statement from him (Board Review #06). Police Officer Gonzalez was interviewed at the CCRB on February 12, 2020. Lieutenant Burgio was interviewed at the CCRB on February 20, 2020. A subclip taken from the 20th Precinct stationhouse's security cameras is attached in IA #84 (Board Review #04). At the start of the video, \$87(2)(b) is standing alone in a cell. Police Officer Gonzalez is standing outside the cell. There is no sound, but they are both speaking animatedly. § 87(2)(b) punches a Plexiglass partition between the cell's bars. At 0:13 into the recording, Police Officer Gonzalez reaches off-screen. At the same time, Lieutenant Burgio stands at the right edge of the screen and points towards 387(2)(5) At 0:19 into the recording, Police Officer Gonzalez opens the cell door. Police Officer Gonzalez is does not have a set of handcuffs with him. §87(2)(b) is standing by the door with his palms open and held by his hips. As soon as Police Officer Gonalez opens the door, he places both of his hands on \$37(2)(b) s chest and pushes him backwards. The push moves §87(2)(6) all the way to the opposite side of the cell. His back hits against the wall opposite the cell door. Police Officer Gonzalez then holds against the wall by placing his left hand on §87(2)(b) s chest. § 87(2)(b) Police Officer Gonzalez's hand away using his left hand. Police Officer Gonzalez then grabs by his chest and slams him first against the wall of the cell, and then against the bars of the cell. Several officers, including Lieutenant Burgio and Police Officer Bueno enter the cell and and Police Officer Gonzalez. No further force is seen on the video. Police Officer Gonzalez is not seen kicking § 87(2)(b) stated that after he punched the Plexiglass barrier, Police Officer Gonzalez entered

CCRB CTS – Confidential Page 2

the holding cell. Police Officer Gonzalez then stepped on §87(2)(b) stoes and punched §



CCRB CTS – Confidential Page 3



CCRB CTS – Confidential Page 4

viewed the video footage prior to his CCRB interview. NYPD Patrol Guide procedure 203-08 states that an officer is prohibited from making a false official statement, and that an officer found to have made one will be subject to disciplinary action. In order to be considered misconduct, the statement must be proven to have been made, material, and intentionally false. Department of Corrections v. Centeno, OATH Index 2031-04 (2005) (Board Review #09-10). **Civilian and Officer CCRB Histories** This is the first CCRB complaint to which §87(2)(b) has been a party (Board Review #11). Police Officer Gonzalez has been a member of the service for 26 years and has been listed as a subject in 16 CCRB complaints and 39 allegations, none of which were substantiated. § 87(2)(g) **Mediation, Civil and Criminal Histories** This complaint was not suitable for mediation. A Notice of Claim request was submitted to the NYC Office of the Comptroller on February 24, 2020. The results will be included in the case file upon receipt. s criminal case resulting from this arrest concluded on §87(2)(b) I. He pleaded guilty to petit larceny and was given a conditional discharge (Board Review #12).

trying to gain control of \$87(2)(b) s arms. Police Officer Gonzalez also acknowledged having

CCRB Case # 201908006

CCRB CTS – Confidential Page 5

(Board Review #12).

Squad No.:			
Investigator:			
	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date